

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: J. Christopher Flaherty, et al.

Serial No:

10/662,761

Filing Date:

September 15, 2003

Title:

Plunger Assembly For Patient Infusion Device

Docket No:

59249-0157 (INSL-125DV)

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date:

Mail Stop DD

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Applicant encloses herewith for filing in connection with the above-referenced patent application the following documents:

- 1) Information Disclosure Statement;
- 2) Form 1449 (without cited references); and
- 3) Acknowledgment Postcard.

No additional costs are believed to be due in connection with the filing of this disclosure. However, please charge any necessary fees to our Deposit Account No. 50-1133.

Respectfully submitted,

Jeffrey J. Miller

Registration Number 39,773

McDermott, Will & Emery

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Boston, MA 02109

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11/12/03

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Mail Stop DD Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 C.F.R. §1.56, §1.97 and §1.98, Applicants hereby submit an information disclosure statement with information cited on the attached PTO-1449 forms in EXHIBIT A and EXHIBIT B. The references listed in the PTO-1449 forms in EXHIBIT A were previously submitted to, or cited by, the Commissioner for Patents in a parent application of this patent application, which has U.S. Patent Serial No. 10/163,690, filed on June 6, 2002, and from which this application claims priority under 35 U.S.C. 120. Copies of these references can be found in U.S. Patent Serial No. 10/163,690, and under 37 C.F.R §1.98(d), copies of these references are not submitted with this Statement. The reference listed in the PTO-1449 form in EXHIBIT B is a U.S. patent, and according to the United States Patent and Trademark Office OG Notices: 05 August 2003, copy of the reference is waived and not submitted with this Statement.

This Statement is being filed within three months after the filing date of the application.

This statement is not to be interpreted as a representation that the cited publications are

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Page - 2

material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicant understands that the Examiner will make an independent evaluation of the cited publications.

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	ION DIS	SCLOSURE C	ITATION		Docket Number (Op 59249-0 (INSL-12	157	Application Number 10/6	662,761	
IN AN APPL					Applicant	Flah	erty, et al		
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		(U.S. Patent	Documen	ts			-	
EXAMINER INTIIAL	REF	DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING IF APPRO	DATE OPRIATE
		4,067,000	1/3/78	C	Carlson				
		4,151,845	5/1/79	С	lemens				
		4,211,998	7/8/80	Jung	inger et al.				
-		4,231,019	10/28/80	Jung	inger et al.				
		4,364,385	12/21/82	I	Lossef			_	
		4,373,527	2/15/83	F	ischell			_	
*		4,424,720	1/10/84	Buc	chianeri				
		4,435,173	3/6/84	Sip	oss et al				
		4,469,481	9/4/84	Ko	bayashi				
		4,475,901	10/9/84	Krae	egen et al.				
		4,498,843	2/12/85	Schn	eider et al				-
		4,514,732	4/30/85	Н	ayes Jr.				
		4,529,401	7/16/85	Les	slie et al.				
	1	4,559,033	12/17/85	Step	hen et al.				
 		4,559,037	12/17/85	Fran	etzki et al.				
		4,560,979	12/24/85	Ro	osskopk				
	 	FORE	GN PATEN	T DOCUM	ENTS				
	REF	DOCUMENT NUMBER	DATE		OUNTRY	CLASS	SUBCLASS	Trans	lation NO
		EP0867196	13.03.98	F	Europe			123	NO
	<u> </u>	0342947	17.05.89	E	 Europe				
-		WO81/01658	25.06.81	,	WIPO				
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		Web-Site Bro Information".			applied Medica o.uk/508.htm	al Technolo	ogy. "508 P	ump	
		Web-Site Browww.animaso			e Glucose Sen	sor".			
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Subst. Form		449 CLOSURE C	ITATION	Docket Number (Optional) 59249-0157 (INSL-125DV)	Application Nu	10/662,7	61		
IN AN APPL				Applicant					
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EXAMINER INTIIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO		
		4,562,751	1/7/86	Nason et al.					
		4,585,439	4/29/86	Michel	-				
		4,601,707	7/22/86	Albisser et al.					
		4,634,427	1/6/87	Hannula et al.					
		4,678,408	7/7/87	Nason et al.					
		4,684,368	8/4/87	Kenyon					
		4,685,903	8/11/87	Cable et al.					
		4,781,693	1/1/88	Martinez et al.					
		4,855,746	8/8/89	Stacy					
		4,886,499	12/12/89	Cirelli et al.					
		4,969,874	11/13/90	Michel et al.			-		
5	5,007,458	4/16/91	Marcus et al.						
		5,062,841	11/5/91	Siegel				_	
		5,176,662	1/5/93	Bartholomew et al.					
		5,213,483	5/25/93	Flaherty et al.				-	
		5,257,980	11/2/93	Van Antwerp et al.					
		5,254,096	10/19/93	Rondelet et al.					
		FORE	GN PATENT [OCUMENTS					
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Transl YES	ation NO	
		WO98/01071	15.01.98	WIPO			123	NO	
		WO86/06796	20.11.86	WIPO			-		
		WO99/62576	09/12/99	WIPO				-	
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			hure dated 12/20/9 orp.com/pump_f_s	99. "The Animas R-1000 .html) Insulin Pun	np".			
			eb-Site Brochure dated 12/20/99. "The Animas R-1000 Insulin Pump". ww.animascorp.com/pump_f_f.html						
		Web-Site Broc www.sooil.com		SOOIL-Homepage. "P	ortable Insul	in Pump".			
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Subst. Form	Subst. Form PTO-1449				Application Nu	mber		
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in an appli	CATIO	N		Applicant	Flaherty	et al		
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EXAMINER INTIIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO	
		5,244,463	9/14/93	Cordner, Jr. et al				
		5,242,406	9/7/93	Gross et al				
		5,643,213	7/1/97	McPhee				
		5,630,710	5/20/97	Tune et al.				
		5,545,152	8/13/96	Funderburk et al				
		5,533,389	7/9/96	Kamen et al.				
		5,505,709	4/9/96	Funderburk et al.		i !		
		5,492,534	2/20/96	Athayde et al.				
:		5,411,480	5/2/95	Kriesel				
		5,318,540	6/7/94	Athayde et al.				
		5,312,337	5/17/94	Flaherty et al.				
		405,524	2/9/99	Falk et al.				
		5,702,363	12/30/97	Flaherty				
		5,695,490	12/9/97	Flaherty et al.				
		5,665,065	9/9/97	Colman et al.				
		FOREI	GN PATENT	DOCUMENTS				
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			chure dated 1/ m/product2.ht	4/00. SOOIL-Homepag	ge. "Portabl	e Insulin Pu	mp".	
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		Web-Site Bro	chure dated 1/	4/00. SOOIL-Homepag	ge. "Portabl	e Insulin Pu	mp".	
			m/product4.ht					
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Subst. Form	PTO-14	149		Docket Number (Optional)	Application Nu	ımber		····
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IN AN APPLI		CLOSURE C N	HAHON	(INSL-125DV) Applicant	<u> </u>			
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EXAMINER	T	DOCUMENT	U.S. Patent [Γ-	FILING	DATE
INTIIAL	REF	NUMBER	DATE	NAME	CLASS	SUBCLASS	IF APPRO	
		5,647,853	7/15/97	Feldmann et al.				
		5,755,682	5/26/98	Knudson et al.				
		6,071,292	6/6/00	Makower et al.				
		6,019,747	2/1/00	McPhee				
		5,997,501	12/7/99	Gross et al.				
		5,957,890	9/28/99	Mann et al.				
		5,954,699	12/21/99	Jost et al.				
		5,954,058	12/21/99	Flaherty				
		5,11,716	6/15/99	Rake et al.				
		5,906,597	5/25/99	McPhee				
 		5,886,647	3/23/99	Badger et al.		-		
		5,848,991	12/15/98	Gross et al.				
		5,840,063	11/24/98	Flaherty		,		
		5,814,020	9/29/98	Gross				
		5,810,015	9/22/98	Flaherty				
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Subst. Form			ITATION	Docket Number (Optional) 59249-0157 (INSL-125DV)	Application Nu	mber 10/662,7	61	-
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EXAMINER INTIIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO	
		5,800,405	9/1/98	McPhee				
		5,785,688	7/28/98	Joshi et al.				
		5,785,681	7/28/98	Indravudh				
		5,779,676	7/14/98	Kriesel et al.				
		5,776,103	7/7/98	Kriesel et al.				
		5,748,827	5/5/98	Holl et al.				
_		5,741,228	4/21/98	Lambrecht et al.				
		5,726,751	3/10/98	Altendorf et al.				
		5,726,404	3/10/98	Brody				
· ·	5,704,520 1/			Gross				
		5,845,218	12/1/98	Altschul				
		6,061,580	5/9/00	Altschul et al.				
		5,983,094	11/9/99	Altschul et al.				
		5,965,848	10/12/99	Altschul et al.				
		5,875,393	2/23/99	Altschul et al.				
		FORE	GN PATENT [DOCUMENTS				
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IN AN APPLICATION		Applicant	Flaherty	et al		
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EXAMINER REF DOCUME NUMBER		NAME	CLASS	SUBCLASS	FILING IF APPRO	
6,144,8	347 11/7/00	Altschul et al.				
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311,73	35 10/30/90	Aran et al.				
306,69	91 3/20/90	Arai				
5,576,7	781 11/19/96	Deleeuw				
5,452,0	12/19/95	Balling et al.				
5,239,3	8/24/93	Takai				
5,045,8	9/3/91	Reinholdson				
4,973,9	998 11/27/90	Gates				
4,882,6	500 11/21/89	Van de Moere				
4,801,9	057 1/31/89	Vandemoere				
315,72	27 3/26/91	Arai et al.				_
303,0	13 8/22/89	Konopka				
4,624,6	661 11/25/86	Arimond				
4,108,1	.77 8/22/78	Pistor				
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Subst. Form		149 CLOSURE C	ITATION	Docket Number (Optional) 59249-0157 (INSL-125DV)	Application Nu	mber 10/662,7	61	
IN AN APPLI	CATIO	N		Applicant	Flaherty	etal		
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EXAMINER INTIIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO	
		4,624,661	11/25/86	Arimond				
		4,755,173	7/5/88	Konopka et al.				
		4,898,579	2/6/90	Groshong et al.				
·		5,109,850	5/5/92	Blanco et al.				
		5,205,819	4/27/93	Ross et al.				
		5,244,463	9/14/93	Cordner, Jr. et al.				_
		5,433,710	7/18/95	Van Antwerp et al.				
		5,584,813	12/17/96	Livingston et al.				
		5,637,095	6/10/97	Nason et al.				
		5,660,728	8/26/97	Saaski et al.				
		5,839,467	11/24/98	Saaski et al.				
		5,851,197	12/22/98	Marano et al.				
		5,935,099	8/10/99	Peterson et al.				
		FOREI	GN PATENT I	DOCUMENTS				
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EXAMINER INTIIAL	REF	DOCUMENT NUMBÉR	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO	
·		5,232,439	8/3/93	Campbell et al.				
		5,281,202	1/25/94	Weber et al.				
		5,342,313	8/30/94	Campbell et al.		-		
		5,514,096	5/7/96	Hiejima				
		5,575,770	11/19/96	Melsky et al.				
		5,665,70	9/9/97	McPhee				
		5,797,881	8/2/98	Got			,	
		5,891,097	4/69	aio et al.				
		5,897,530	4/27/99	Jackson				
		6,152,898	11/28/00	Olsen				
		5,637,095	6/10/97	Nason et al				
		5,919,167	7/6/99	Mulhauser et al.				
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		FORE	GN PATENT	DOCUMENTS				
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Transl YES	ation NO
-		WO01/52727	17.01.01	WIPO				
		WO00/78210	15.06.00	WIPO				_
		WO00/74752	30.05.00	WIPO				
		WO00/19887	20.09.99	WIPO				
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		User's Guide	for Model 508	Insulin Pump, MiniMe	d, 8/00, 145	pages	•	
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Subst. Form		449 CLOSURE C	ITATION	Docket Number (Optional) 59249-0157 (INSL-125DV)	Application Nu	mber 10/662,7	61	
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		4,559,037	12/17/85	Franetzki et al				
_		4,734,092	3/29/88	Millerd				
		5,582,593	12/10/96	Hultman				
		5,747,350	5/5/98	Sattler				
		5,245,447	9/14/93	Stemmle				
		3,885,662	5/27/75	Schaefer				
	<u> </u>	6,363,609	4/2/02	Pickren				
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		FORE	GN PATENT	DOCUMENTS				
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·		WO98/00193	08.01.98	WIPO				
		WO99/56803	11.11.99	WIPO				
		WO0010628	02.03.00	WIPO				
		WO00/29047	25.05.00	WIPO				
		W001/5663	09.08.01	WIPO				
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		Copy of PCT	International S	Search Report dated 03/	04/2002; 5p	р		
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EXAMINER INTIIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO		
		6,375,638	4/23/02	Nason et al	n et al				
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			Ceramics; Piezo 16, 2001; 15 Pag	Ceramic Products Technes	nical Informa	tion; <i>Instructi</i>	ion Piezoe	lectric	
		Solenoids Cata	log - Magnetic Se	nsor Systems, Solenoid	Construction,	2 pages			
			Tampere Internat ators, September,	onal Conference on Mac 1998; 12 pages	chine Automa	tion; <i>Linear</i> .	Motion		
				logies Research Center, orm Motor, 13 pages	; Design, Mod	deling, and P	erformano	e of a	
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	Mavroidis, C.; Department of Mechanical and Aerospace Engineering, Rutgers University, Development of Advanced Actuators Using Shape Memory Alloys and Electrorheological Fluids, 70 pages								
			Mechanical and Acsoscale Actuator	erospace Engineering De Device, 33 Pages	ept., Universit	y of Californ	ia, Design	and	
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citation if not in conformance and not considered. Include copy with next communication to applicant.									